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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			LY, CHEYNE D	
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			2168	
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			03/27/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief		Application No. 10/598,309	Applicant(s) BREDNO, JOERG
		Examiner CHEYNE LY	Art Unit 2168
<p>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p> <p>THE REPLY FILED <u>12 March 2012</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</p> <p>NO NOTICE OF APPEAL FILED</p> <p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>c) <input checked="" type="checkbox"/> A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.</p> <p><i>Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).</i></p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>NOTICE OF APPEAL</p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p> <p>AMENDMENTS</p> <p>3. <input type="checkbox"/> The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p> <p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p> <p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____.</p> <p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>7. <input type="checkbox"/> For purposes of appeal, the proposed amendment(s): (a) <input type="checkbox"/> will not be entered, or (b) <input type="checkbox"/> will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>AFFIDAVIT OR OTHER EVIDENCE</p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p> <p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p> <p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p> <p>REQUEST FOR RECONSIDERATION/OTHER</p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u></p> <p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____</p> <p>13. <input type="checkbox"/> Other: _____.</p> <p>STATUS OF CLAIMS</p> <p>14. The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____.</p> <p>Claim(s) objected to: _____.</p> <p>Claim(s) rejected: _____.</p> <p>Claim(s) withdrawn from consideration: _____.</p>			
		/Cheyne D Ly/ Primary Examiner, Art Unit 2168	

Continuation of 11. does NOT place the application in condition for allowance because: On pages 3-4, Applicant argues the reference pattern cannot be considered a primary parameter in the context of claim 1 because the reference pattern was not used to determine the temporal NMR data of the embodiment 1. Applicant's argument is not persuasive because as cited Jesmanowicz discloses neurologist may input a reference pattern or select as a reference pattern the time varying NMR data for one voxel which is observed to follow the selected stimulation pattern. The degree of correlation between the selected reference pattern and the time varying NMR signals for each of the other voxels in the MRI data set is then calculated and the results displayed as a brain function image. In voxel locations where the correlation is high, brain activity is high and where it is low there is little or no correlation. The resulting brain function image may be superimposed on the anatomical image as variations in brightness or color (column 3, lines 1-18). Further, Jesmanowicz discloses the display process is performed by programs executed in the image processor 106 and in response to commands received from the operator. The images are produced as separate windows on the video display 118 and a cursor in each window may be manipulated using a track ball on the control panel 103. The display process will now be described with reference to the flow chart of FIG. 6...it is sufficient to enable a neurologist to accurately place a cursor 316 over the area in the brain to be examined. As indicated by decision block 317, the operator then chooses between time domain and frequency domain data. If time domain data is selected the operator then sets the desired size of the cursor 316 at process block 318 and the time domain graphs for the voxels enclosed by the cursor 316 are displayed in a separate window of the video display 118 as indicated at process block 319. Such a display for a 3.times.3 voxel patch is shown in FIG. 5B, where each of the nine squares contains a plot of a corresponding time domain voxel vector. In this example, the cyclic pattern apparent in the center voxel corresponds in frequency to the repetitive application of a smell stimulation to the subject. Notice that some of the adjacent voxels also display this pattern and some do not, and that this is quite easy to determine. The areas of the brain which function in response to a stimulant are thus easy to see. The number of voxels enclosed by the cursor 316 is adjustable and may vary from 1 to 100 (column 11, line 64, column 12, line 22). The citation above supports that the acquired data (primary parameter) is adjustable as claimed to achieve the same expected results as the claimed invention.

Applicant argues one of ordinary skill in the art would understand that the disclosure of Poliakov is well known in the art and is common to most 3D modeling programs. That is, the manipulation of a volume (e.g. identifying cut planes, making a certain volume transparent, etc.) is well known. It seems the Examiner has taken the cited portion of claim 1 out of context. Claim 1, as a whole, allows the user to adjust the primary parameter, on which a primary result is determined, to determine a secondary result. Modifying the different views and defining cut planes in a 3D object is not the same as adjusting a primary parameter. It is noted that Jesmanowicz has been cited to disclose the limitation of adjusting the primary parameter set on the basis of an input...reprocessing the primary data on the basis of the adjusted primary parameter set to determine a secondary result; and displaying the secondary result. Further, Poliakov has been cited to specify the adjusting...on the basis of a user input, the adjusting being within a predetermined range. The citation of the prior art reasonably describes the argued limitation of adjusting...on the basis of a user input, the adjusting being within a predetermined range because nowhere in the specification does Applicant define either the primary data or the secondary result to be distinct from the data disclosed by Biswal, Jesmanowicz, or Poliakov. Therefore, one of ordinary skill in the art would reasonably interpret that the data manipulated by Biswal, Jesmanowicz, or Poliakov reasonably describe the argued limitation of either the primary data or the secondary result.